REMARKS

Initially, Applicants thank the Examiner for the courtesies extended during the recent in-person interview held on May 21. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Non-Final Office Action, mailed April 7, 2008, considered claims 1-3, 5, 7-12, 14-28, 30-33 and 38. Claims 1-3, 5, 7-12, 14-28, 30-33, 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burkett et al. US 6,678,889 B1 (hereinafter *Burkett*) in view of Chong et al. US 7,152,229 B2 (hereinafter *Chong*).[1]

By this amendment claims 1, 7-9, 11, 12, 15-21, 27, 28, 30-33 and 38 have been amended and claims 39-42 have been added.[2] No claims have been cancelled. Accordingly, claims 1-3, 5, 7-12, 14-28, 30-33 and 38-42 are pending, of which claims 1, 27 and 38 are the only independent claims at issue.

The present invention is generally directed to designing an application. For example, claim 1 defines receiving an application type selection from a user, the application type including which type of application is to be dynamically generated. Next, claim 1 defines automatically selecting a corresponding policy based on the received application type selection. Claim 1 further defines dynamically constructing a user-interface in accordance with the policy, the policy including a set of rules for application stages and components. Lastly, claim 1 defines creating the application through the user-interface where the dynamic construction includes creating a graphical representation of the application, the representation having at least one stage, each stage having at least one corresponding component, receiving a user input indicating a selection of one or more components that are to be incorporated into the application, determining that the user-selected components are in accordance with the automatically selected policy corresponding to the application type, and compiling the representation of the application including the user-selected components in accordance with the automatically selected policy.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.
[2] Support for the amendments to the claims and new claims is found throughout the specification and previously presented claims, including but not limited to paragraphs [0029], [0032], [0033], [0037], [0039], [0041] and Figures 2 & 4.

Claim 27 is a system claim generally corresponding to claim 1. Claim 38 is a computer program product claim generally corresponding to claim 1.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

35 U.S.C. 102 and 103 Rejections

As discussed during the interview, *Burkett* describes systems, methods and computer program products for locating resources within an extensible markup language (XML) document defining a console for managing multiple application programs (Title). *Burkett* describes a modifiable XML graphical user interface (GUI) that can be used to manage several different applications and application types. For example, as indicated in Figure 2, the administrative console can manage multiple heterogeneous application programs or products (Col. 5:43-54). The programs can be from different manufacturers and can be written in different programming languages. However, while *Burkett* describes an XML GUI for managing application programs, *Burkett* fails to teach receiving a user input indicating a selection of one or more components that are to be incorporated into the application, determining that the user-selected components are in accordance with the automatically selected policy corresponding to the application type and compiling the representation of the application including the user-selected components in accordance with the automatically selected policy, as recited in claim 1.

Chong describes a workflow code generator configured to generate executable code for multi-channel and/or multi-modal applications (Abstract). The code generator reads application input files, detects errors, performs optimizations, and prepares results for outputting. *Chong*'s application building system generates input files for the various code generators. *Chong* describes four different code generators including a workflow code generator, AppEntry Point code generator, Object Init code generator and XHTML code generator. Each performs a different function in the overall application generation process (Col. 11:22-44). After the code generators are finished generating the various code segments, a separate process gathers and packages the code segments (Col. 11:65-Col. 12:7). However, while *Chong* describes an application building system that has a UI, *Chong* fails to teach receiving a user input indicating a selection of one or more components that are to be incorporated into the application, determining that the user-selected components are in accordance with the automatically selected policy corresponding to the application type and compiling the

representation of the application including the user-selected components in accordance with the automatically selected policy, as recited in claim 1.

Thus, none of the cited art teaches or suggests receiving a user input indicating a selection of one or more components that are to be incorporated into the application, as recited in claim 1. Furthermore, none of the cited art teaches or suggests determining that the user-selected components are in accordance with the automatically selected policy corresponding to the application type and compiling the representation of the application including the user-selected components in accordance with the automatically selected policy, as recited in claim 1. At least for any of these reasons, claim 1 patentably defines over the art of record. At least for any of these reasons, claims 27 and 38 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 27 and 38, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

Although each of the dependent claims patentably define over the prior art of record for the same reasons as their corresponding base claims, many of the dependent claims also independently distinguish over the prior art of record. For example, the prior art of record fails to disclose or suggest modifying the graphical representation by performing at least one of the following: selecting one or more components from a toolbox and dragging and dropping the selected component into a designated region of the graphical representation, as recited in claim 41.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 7th day of July, 2008.

Respectfully submitted,

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